

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RICHARD WOOSLEY

V.

CSL PLASMA, INC.

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§

CIVIL ACTION NO. _____

JURY DEMANDED

INDEX OF MATTERS BEING FILED

1. Notice of Removal
 - a. Citation Served on Defendant
 - b. Plaintiff's Original Petition
 - c. Defendant's Original Answer in State Court
2. List of Counsel
3. Civil Cover Sheet
4. State Court's Docket Sheet (1 page)

Respectfully submitted,

**DUNN, WEATHERED,
COFFEY & KASPERITIS, P.C.**
611 S. Upper Broadway
Corpus Christi, Texas 78401
(361) 883-1594
(361) 883-1599 (Fax)
E-mail: larry@texasdefenselaw.cc

By: /s/ Lawrence Coffey
Lawrence Coffey
State Bar No. 04489200
Fed. ID No. 7586

Attorney in Charge for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been duly served in accordance with the Federal Rules of Civil Procedure, by the method of service indicated, upon the following counsel of record:

Via Electronic Filing:

Mr. John A. Davis, Jr.

DAVIS & DAVIS

Attorneys at Law

440 Louisiana, Suite 1850

Houston, Texas 77002

On this the 30th day of September, 2016.

/s/ Lawrence Coffey

Lawrence Coffey



**Service of Process
Transmittal**

09/20/2016

CT Log Number 529876003

TO: Gregory A Boss, General Counsel
CSL Behring, L.L.C.
1020 1st Ave
King Of Prussia, PA 19406-1310

RE: Process Served in Texas

FOR: CSL Plasma Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: RICHARD WOOSLEY, Pltf. vs. CSL PLASMA INC, Dft.
Name discrepancy noted.

DOCUMENT(S) SERVED: Citation, Original Petition

COURT/AGENCY: 157th Judicial District Court Harris County, TX
Case # 201658855

NATURE OF ACTION: Personal Injury - 12/22/2016

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Certified Mail on 09/20/2016 postmarked on 09/17/2016

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: By 10:00 a.m. on the Monday next following the expiration of 20 days after service
(Document(s) may contain additional answer dates)

ATTORNEY(S) / SENDER(S): JOHN A. DAVIS JR.
DAVIS & DAVIS ATTORNEYS AT LAW
440 Louisiana, Suite 1850
Houston, TX 77002
713-781-5200

ACTION ITEMS: CT has retained the current log, Retain Date: 09/21/2016, Expected Purge Date:
09/26/2016

Image SOP

Email Notification, Monica Watkins monica.watkins@cslbehring.com

Email Notification, Cheryl Raniszewski Cheryl.Raniszewski@cslbehring.com

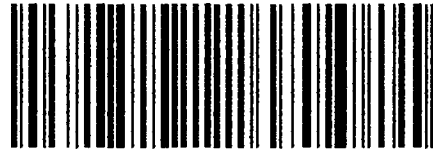
SIGNED: C T Corporation System

ADDRESS: 1999 Bryan Street
Suite 900
Dallas, TX 75201

TELEPHONE: 214-932-3601

W.F. McCURRY
24555 BENTWOOD
HOCKLEY, TEXAS 77447

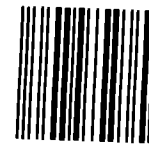
CERTIFIED MAIL®



7014 2120 0000 7639 2688



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75201

U.S. POSTAGE
PAID
TOMBALL, TX
77375
SEP 17, 16
AMOUNT

\$7.15

R2305K132082-06

**RETURN RECEIPT
REQUESTED**

CSL PLASMA, INC.
C/O
CT CORPORATION SYSTEM
1999 BRYAN STREET #900
DALLAS, TEXAS 75201

09-16-2016

RECEIPT NUMBER 0.00
TRACKING NUMBER 73286140 CIV

CAUSE NUMBER 201658855

PLAINTIFF: WOOSLEY, RICHARD
vs.
DEFENDANT: CSL PLASMA INC

In The 157th
Judicial District Court of
Harris County, Texas

CITATION CORPORATE

THE STATE OF TEXAS
County of Harris

TO: CSL PLASMA INC (A DELAWARE CORPORATION) MAY BE SERVED BY SERVING
ITS REGISTERED AGENT CT CORPORATION 1999 BRYAN ST SUITE 900 DALLAS
TEXAS 75201
OR WHEREVER THE DEFENDANT MAY BE FOUND

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION.

This instrument was filed on the 1st day of September, 2016, in the
above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED; you may employ an attorney. If you or your attorney do not file a written answer with the
District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were
served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This Citation was issued under my hand and seal of said Court, at Houston, Texas, this 8th day of
September, 2016.

Issued at request of:
DAVIS, JOHN A. JR.
440 LOUISIANA, SUITE 1850
HOUSTON, TX 77002
TEL: (713) 781-5200
Bar Number: 5512300



Chris Daniel
CHRIS DANIEL, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
P.O.Box 4651, Houston, Texas 77210

Generated by: RICHARDSON, SHANIECE J
A4L//10474574

OFFICER/AUTHORIZED PERSON RETURN

I received this citation on the 14th day of Sept., 2016, at 11:00 o'clock A.M., endorsed
the date of delivery thereon, and executed it at _____,
(STREET ADDRESS) (CITY)
in _____ County, Texas on the _____ day of _____, 20____, at _____ o'clock ____M.,
by delivering to _____,
(THE DEFENDANT CORPORATION NAMED IN CITATION)
_____, in person, whose name is _____,
(REGISTERED AGENT, PRESIDENT, or VICE-PRESIDENT)
a true copy of this citation, with a copy of the _____ Petition attached,
(DESCRIPTION OF PETITION, E.G., "PLAINTIFFS ORIGINAL")
and with accompanying copies of _____
(ADDITIONAL DOCUMENTS, IF ANY, DELIVERED WITH THE PETITION)

I certify that the facts stated in this return are true by my signature below on the _____ day of _____, 20____.

FEE: \$ _____

By: _____
(SIGNATURE OF OFFICER)

Printed Name: _____

Affiant Other Than Officer _____

As Deputy for: _____
(PRINTED NAME & TITLE OF SHERIFF OR CONSTABLE)

On this day, _____, known to me to be the person whose signature
appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was
executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____, 20____

Notary Public

2016-58855 / Court: 157

CAUSE NO. _____

RICHARD WOOSLEY

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

V.

CSL PLASMA INC.

____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, RICHARD WOOSLEY ("Plaintiff" herein) and files this lawsuit complaining of CSL PLASMA, INC. (hereinafter "Defendants"), and for cause of action would show unto this Honorable Court the following:

PARTIES

1. Plaintiff RICHARD WOOSLEY is a resident of Harris County, Texas with the last three digits of his Texas drivers license of 722 and the last three digits of his social security number are 456.
2. Defendant, CSL PLASMA, INC. is a Delaware corporation with offices in Harris County, Texas. CSL Plasma, Inc.'s address is 1020 1st Ave., King of Prussia, PA 19406. Defendant CSL Plasma, Inc. may be served with service of process by serving the registered agent CT Corporation, 1999 Bryan St., Suite 900, Dallas, Texas 75201, or wherever the Defendant may be found.

DISCOVERY PLAN

3. Plaintiff asserts that this case should be governed pursuant to TEX. R. CIV. P. 190.3 (Level III Discovery Plan).

JURISDICTION AND VENUE

4. Venue for Plaintiffs' cause of action against the Defendant is proper in Harris County, Texas,

because the accident made the basis of this claim occurred in Harris County, Texas. This court has jurisdiction because the amount in controversy is within the limits of this court. Plaintiff seeks monetary relief of over \$200,000.00.

FACTS

5. On December 22, 2014, Richard Woosley and his wife went to CSL Plasma in Baytown Texas to donate plasma in exchange for compensation. Mr. Woosley was directed by the staff at CSL Plasma to be seated at a certain machine where he was given an IV and then connected to a centrifugal machine. His wife was also seated in the same area and once the procedure started the technicians left the room. Several minutes passed when Mr. Woosley's machine suddenly stopped working. Mrs. Woosley noted the time on her watch and it took more than 34 minutes for the technicians to come back into the room and attempt to get the machine to operate again. The technicians uttered some profanities about the equipment and worked to get it operational. Mr. Woosley began feeling nauseated and dizzy but the technicians did not offer any assistance.

6. On the way home from the donation, Mr. Woosley started vomiting and he was taken to the Liberty/Dayton emergency room. He was stabilized and then life-lighted to Hermann Memorial Hospital. Mr. Woosley suffered a stroke and now requires twenty-four hour care. CSL Plasma, Inc.'s negligence proximately caused Richard Woosley's injuries.

CAUSE OF ACTION

7. Plaintiff brings this cause of action for negligence against the Defendant.

8. CSL Plasma, Inc. and its employees, staff, technicians and agents owed a duty to Richard Woosley to operate the blood donation equipment properly. CSL Plasma, Inc. was negligent in one or more of the following ways:

- a. Failing to operate the blood donation equipment properly;
- b. Failing to maintain the equipment to avoid malfunctions;
- c. Failing to have staff available to monitor equipment and clients in the donation rooms;
- d. Failing to ensure the safety of clients, including Richard Woosley, during the donation process;
- e. and other acts of negligence.

Each of the foregoing negligent acts and omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages.

DAMAGES

9. As a proximate result of the injuries sustained by the negligence of CSL Plasma, Inc., Plaintiff, Richard Woosley suffered severe physical pain, sever debilitating injuries, and has had continuing pain and suffering and mental anguish as result of his serious injuries. In all reasonable probability, he will continue to suffer physical pain and mental anguish into the future and will require full time care. In addition, Plaintiff, has incurred reasonable and customary medical expenses for necessary medical treatment, and there is a reasonable probability that he will incur additional reasonable expenses for necessary medical care and attention in the future. Richard Woosley has also suffered physical impairment and disfigurement in the past, and he will continue to suffer these damages in the future based upon a reasonable degree of probability. Plaintiff has also suffered a loss of earning capacity in the past and will likely suffer a loss of earning capacity on the future. Plaintiff brings this lawsuit to recover for the elements of damages set forth above.

REQUEST FOR DISCLOSURE

10. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, you are requested to disclose

within 50 days of service of this request, the information or material described in Rule 194.2.

REQUEST FOR PRODUCTION

11. Pursuant to Rule 196 of the Texas Rules of Civil Procedure, you are requested to produce the following documents at the law offices of Davis & Davis, 440 Louisiana, Suite 1850, Houston, Texas.

- a. Copies of any and all records related to Richard Woosley and his donation of plasma on December 22, 2014.
- b. Copies of all documents that relate to the equipment used by Richard Woosley on December 22, 2014 to facilitate his donation.
- c. Copies of all incident reports related to, referring to, or mentioning the equipment that Richard Woosley was hooked up to for the plasma donation on December 22, 2014.
- d. Copies of all maintenance records for the equipment used by Richard Woosley on December 22, 2014 to facilitate his donation.

JURY DEMAND

12. Plaintiff requests a jury trial pursuant to Tex. R. Civ. P. 216, and hereby tenders the appropriate jury fee to the District Clerk.

PRAYER

13. Plaintiff prays that Defendant be cited to appear and answer herein, and that upon final trial of this cause Plaintiff have judgment against Defendant for a sum in excess of the minimum jurisdictional limits of this Court, for prejudgment and post-judgment interest as allowed by law, for costs of Court, and for such other and further relief, both general and special, in law or in equity, to which he may show himself justly entitled.

RESPECTFULLY SUBMITTED,

DAVIS & DAVIS

ATTORNEYS AT LAW

By: **John A. Davis, Jr.**

** Electronically signed*

John A. Davis, Jr.

State Bar No.: 05512300

Steven R. Davis

State Bar No.: 00789947

440 Louisiana, Suite 1850

Houston, Texas 77002

Telephone: 713-781-5200

Facsimile: 713-781-2235

Jd@DavisLawyers.com

Steve@DavisLawyers.com

ATTORNEYS FOR PLAINTIFF

CAUSE NO. 2016-58855

RICHARD WOOSLEY	§	IN THE DISTRICT COURT
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
CSL PLASMA, INC.	§	157 TH JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, CSL Plasma, Inc., Defendant in the above entitled and numbered cause, and files this its Original Answer and for such answer says as follows:

I.

Defendant, CSL Plasma, Inc., generally denies the allegations of the Plaintiff in this cause and upon this denial demands a trial of the issues.

II.

WHEREFORE, PREMISES CONSIDERED, this Defendant prays that upon final trial, Plaintiff take nothing by his suit but that this Defendant have judgment plus costs of Court and such other and further relief to which it may be entitled, either at law or in equity.

Respectfully submitted,

**DUNN, WEATHERED,
COFFEY & KASPERITIS, P.C.**
611 S. Upper Broadway
Corpus Christi, Texas 78401
(361) 883-1594
(361) 883-1599 (Fax)
Email: larry@texasdefenselaw.cc

By: /s/ Lawrence Coffey
Lawrence Coffey
State Bar No. 04489200
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been duly served, by the method of service indicated, upon the following counsel of record:

VIA Electronic Filing

Mr. John A. Davis, Jr.

DAVIS & DAVIS

Attorneys at Law

440 Louisiana, Suite 1850

Houston, Texas 77002

On this the 30th day of September, 2016.

/s/ Lawrence Coffey

Lawrence Coffey

Harris County Docket Sheet

2016-58855**COURT:** 157th**FILED DATE:** 9/1/2016**CASE TYPE:** Other Injury or Damage**WOOSLEY, RICHARD**

Attorney: DAVIS, JOHN A. JR.

vs.**CSL PLASMA INC**

Docket Sheet Entries

Date	Comment
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Unofficial Copy Office of Chris Daniel District Clerk

[WS7]